

Notice of Allowability

Application No.

10/738,938

Examiner

Delia M. Ramirez

Applicant(s)

BARLETTA ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/29/2007.
2. ☒ The allowed claim(s) is/are 6, 11, 12 and 24-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Status of the Application

Claims 6, 11-12, 24-30 are pending.

Amendment of claims 12, 25-26, 28, addition of claims 29-30, and amendments to the specification as submitted in a communication filed on 11/29/2007 are acknowledged.

In a telephone conversation with Ms Nancy Morris on 12/21/2007, an agreement was reached to amend claim 29 to place the application in condition for allowance.

Examiner's Amendment

1. An informal Examiner's amendment to the specification appears below. This amendment is to add a specific reference to the prior application(s) in the first sentence of the specification (37 CFR 1.78) and to capitalize the trademarks found in the specification.
2. Please enter the following amendments to the specification as follows:

On page 19, last line, please replace the term "This works" with "This work".
3. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this Examiner's amendment was given in a telephone interview with Ms Nancy Morris on 12/21/2007.
5. Please replace claim 29 as follows:

29. A method of screening for agents which inhibit D-alanine ligase activity, comprising:

- (a) exposing a culture of the recombinant mycobacterium strain of claim 24 to an agent to be tested to form a test culture; and
 - (b) comparing the D-alanine ligase activity of the test culture with the D-alanine ligase activity of a control culture of the recombinant mycobacterium strain of claim 24 in the absence of the agent,
- wherein less D-alanine ligase activity in the test culture than in the control culture is indicative of inhibition of D-alanine ligase activity by the agent.

Reasons for Allowance

6. The following is an Examiner's statement of reasons for allowance. Although the prior art discloses genes encoding D-alanine:D-alanine ligases, the Examiner has found no teaching or suggestion in the prior art directed to an *M. tuberculosis* ddl gene. Therefore, claims 6, 11-12, 24-30, directed to recombinant vectors comprising the *M. tuberculosis* ddl gene, transformed microorganisms comprising said vectors, and a method to screen for inhibitors of the D-alanine ligase activity of the protein encoded by the *M. tuberculosis* ddl gene, are allowable over the prior art of record.

Conclusion

- 7. Claims 6, 11-12, 24-30 are allowed.
- 8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez whose telephone number is (571) 272-0938. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy can be reached on (571) 272-0928. Any inquiry of a general nature or

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relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.



Delia M. Ramirez, Ph.D.
Primary Patent Examiner
Art Unit 1652

DR
December 22, 2007